

Commercial Dispute Resolution

Module Code:	LAW7036-B
Academic Year:	2018-19
Credit Rating:	20
School:	School of Law
Subject Area:	Law
FHEQ Level:	FHEQ Level 7 (Masters)

Pre-requisites:

Co-requisites:

Contact Hours

Type	Hours
Tutorials	24
Directed Study	176

Availability Periods

Occurrence	Location/Period
BDA	University of Bradford / Semester 2 (Feb - May)

Module Aims

This module will deconstruct the process of dispute resolution in the national and international domains. The principles that lay the foundations of the various forms of Alternative (or appropriate) Dispute Resolution (ADR) will be covered. Once a thorough understanding is achieved specific focus will be placed on instances where ADR, litigation and the conflict of laws have arisen in a practical context. This module aims to provide an understanding of the legal challenges and the key issues regarding international commercial dispute resolution. Students will develop a critical understanding of the interaction between the commercial environment and the legal and regulatory frameworks in which disputes are resolved.

Outline Syllabus

1. An introduction and rationale in relation to the main themes behind Alternative (or appropriate) Dispute Resolution (ADR) will be provided. Comparative study of the international context and subsequent application will be undertaken with focus being placed on areas such as jurisdiction, choice of law, forum shopping, enforceability and recognition. 2. Analysis a range of current legal issues in international dispute resolution including the growing field of online dispute resolution. 3. The limitations of civil litigation and the concepts of restorative justice. Negotiation, collaboration ethics and Mediation.

Module Learning Outcomes

On successful completion of this module, students will be able to...

- 1 Critically evaluate the rationale for the operation of Alternative (or appropriate) Dispute Resolution (ADR).
- 2 Analyse and evaluate the characteristics of each type of ADR and understand the potential for implementation in a practical context.
- 3 Analyse the operation of ADR within the international domain and understand the commercial environment and the legal and regulatory frameworks in which disputes are resolved
- 4 Evaluate and rank unfamiliar arguments in the light of established statute law, judicial decisions and authoritative legal commentary.
- 5 Research and apply Alternative (or appropriate) Dispute Resolution to factual situations, showing understanding of the legal challenges and the key issues regarding international commercial dispute resolution.
- 6 Present your work to an acceptable academic standing, both orally and in writing.
- 7 Write appropriately for professional and academic audiences and develop and advance reasoned advice.

Learning, Teaching and Assessment Strategy

Your learning will be directed, supported and reinforced through weekly 2 hour workshops. The sessions will use theoretical discussions and practical applications of cases and case studies, with oral feedback given in classes. Some of the sessions will be student-led presentations. Drawing on primary and secondary sources, you will complete research and presentation exercises. You will be set tasks to monitor your progress, in addition to formal assessment. All teaching will be supported by information supplied on the virtual learning environment, Canvas.

The module is assessed by one piece of coursework. The student will provide a writing sample in which a student constructs a response to a question, topic, or brief statement, and supplies supporting details or arguments. This will provide evidence that can be used to assess the student's understanding and/or ability to analyse and synthesize information.

Mode of Assessment

Type	Method	Description	Length	Weighting	Final Assess'
Formative	Coursework	Written assignment hand in this will take place in the later stages of the module.	0-1000 words	%	No
Summative	Coursework	Essay.	0-4000 words	100%	Yes

Legacy Code (if applicable)

Reading List

To view Reading List, please go to [rebus:list](#).